

Sec.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 231 of this title.

§ 1201. Findings

The Congress finds that—

(1) the Alaska Railroad, which was built by the Federal Government to serve the transportation and development needs of the Territory of Alaska, presently is providing freight and passenger services that primarily benefit residents and businesses in the State of Alaska;

(2) many communities and individuals in Alaska are wholly or substantially dependent on the Alaska Railroad for freight and passenger service and provision of such service is an essential governmental function;

(3) continuation of services of the Alaska Railroad and the opportunity for future expansion of those services are necessary to achieve Federal, State, and private objectives; however, continued Federal control and financial support are no longer necessary to accomplish these objectives;

(4) the transfer of the Alaska Railroad and provision for its operation by the State in the manner contemplated by this chapter is made pursuant to the Federal goal and ongoing program of transferring appropriate activities to the States;

(5) the State's continued operation of the Alaska Railroad following the transfer contemplated by this chapter, together with such expansion of the railroad as may be necessary or convenient in the future, will constitute an appropriate public use of the rail system and associated properties, will provide an essential governmental service, and will promote the general welfare of Alaska's residents and visitors; and

(6) in order to give the State government the ability to determine the Alaska Railroad's role in serving the State's transportation needs in the future, including the opportunity to extend rail service, and to provide a savings to the Federal Government, the Federal Government should offer to transfer the railroad to the State, in accordance with the provisions of this chapter, in the same manner in which other Federal transportation functions (including highways and airports) have been transferred since Alaska became a State in 1959.

(Pub. L. 97-468, title VI, § 602, Jan. 14, 1983, 96 Stat. 2556.)

REFERENCES IN TEXT

This chapter, referred to in pars. (4) to (6), was in the original "this title", meaning title VI (§ 601 et seq.) of Pub. L. 97-468, Jan. 14, 1983, 96 Stat. 2556, known as the Alaska Railroad Transfer Act of 1982, which is classified principally to this chapter (§ 1201 et seq.). For complete classification of title VI to the Code, see Short Title note below and Tables.

SHORT TITLE

Section 601 of title VI of Pub. L. 97-468 provided that: "This title [enacting this chapter, amending sections 231, 712, and 802 of this title, sections 305, 3401, 5102, 5342, and 7327 of Title 5, Government Organization and Employees, section 410hh-1 of Title 16, Conservation, section 251 of Title 42, The Public Health and Welfare, sec-

- (d) Omitted.
- (e) Liability of State for damage to land while used under license.
- 1206. Employees of Alaska Railroad.
 - (a) Coverage under Federal civil service retirement laws; election, funding, nature of benefits, etc., for employees transferring to State-owned railroad; voluntary separation incentives.
 - (b) Coverage for employees not transferring to State-owned railroad.
 - (c) Rights and benefits of transferred employees whose employment with State-owned railroad is terminated.
 - (d) Lump-sum payment for unused annual leave for employees transferring to State-owned railroad.
 - (e) Continued coverage for certain employees and annuitants in Federal health benefits plans and life insurance plans.
- 1207. State operation.
 - (a) Laws, authorities, etc., applicable to State-owned railroad with status as rail carrier engaged in interstate and foreign commerce.
 - (b) Procedures for issuance of certificate of public convenience and necessity; inventory, valuation, or classification of property; additional laws, authorities, etc., applicable.
 - (c) Eligibility for participation in Federal railroad assistance programs.
 - (d) Laws and regulations applicable to national forest and park lands; limitations on Federal actions.
- 1208. Future rights-of-way.
 - (a) Access across Federal lands; application approval.
 - (b) Consultative requirements prior to approval of application; conformance of rights-of-way, etc.
 - (c) Reversion to United States.
- 1209. Reversion.
 - (a) Reversion or payment to Federal Government for conversion to use preventing State-owned railroad from continuing to operate.
 - (b) Reversion upon discontinuance by State of use of any land within right-of-way; criteria for discontinuance.
 - (c) Conveyances by United States subsequent to reversion.
 - (d) Discontinuance by State of use of national park or forest lands; jurisdiction upon reversion.
 - (e) Payment into Treasury of United States of excess proceeds from sale or transfer of all or substantially all of State-owned railroad; limitations.
 - (f) Enforcement by Attorney General.
- 1210. Other disposition.
- 1211. Denali National Park and Preserve lands.
- 1212. Applicability of other laws.
 - (a) Actions subject to other laws.
 - (b) Federal surplus property disposal; withdrawal or reservation of land for use of Alaska Railroad.
 - (c) Ceiling on Government contributions for Federal employees health benefits insurance premiums.
 - (d) Acreage entitlement of State or Native Corporation.
 - (e) Judgments involving interests, etc., of Native Corporations.
- 1213. Conflict with other laws.
- 1214. Separability.